

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0082/P2dn
MGG:kjf:jf

October 31, 2012

Please review this draft carefully. There are embedded notes in the draft to assist you in your review.

Are there OHM trails and routes that are currently designated as such by DNR or local governmental units? If not, is the plan to establish new trails and routes? OHM owners may well not be willing to register their motorcycles with DNR without having any trails or routes immediately available. Is some start-up funding needed? Under the draft, the funding comes solely from the registration and trail pass fees and the gas tax which is based on the number of OHMs registered with DNR.

I have not included provisions that would parallel s. 23.33 (2g), which sets up the Lac du Flambeau registration program for ATVs and UTVs. OK?

I have not included provisions that would parallel s. 23.33 (2) (i), which establishes procedures for DNR to appoint persons to issue registration certificates and to collect fees for their services. OK?

In the drafting instructions there is mention of an OHM being modified for winter by adding a ski to the front wheel. If such an OHM would still meet the definition under s. 23.335 (1) (p), it would continue to be regulated under s. 23.335. However, if it is possible to modify an OHM so that it does not come within the scope of the definition, and you want such a modified motorcycle to be covered under s. 23.335, additional drafting will be needed.

Section 25.29 (1) (b), as amended in this draft, will apply to all off-highway motorcycles, regardless of whether they are registered by DOT or DNR or not registered at all. OK?

Regarding 70.11 (45m): Are trail groomers used for off-highway motorcycles? If so, do you want them included in this statutory provision?

Regarding 100.48: Do you want to amend this section to include OHMs?

I have not amended various provisions in current law where ATVs are listed to specifically include OHMs because I assume that the use of the term "motor vehicle" or "vehicle" in these provisions already includes a motorcycle. To specifically include

“off-highway motorcycle” would infer that other types of motorcycles are excluded. The provisions are as follows: ss. 29.001 (57), 30.29 (1) (b), 77.51 (13) (am), 77.53 (17), 77.53 (18), 77.54 (7) (b), 77.61 (1) (a), (b), and (c), 77.78, 78.40 (1), 167.31 (1) (h), 323.20, 347.415 (1m), 885.235 (1g) and (1k), and 895.043 (6).

Also, the following provisions use the terms “motorcycle” or “motorcycling” so I did not amend them: ss. 348.01 (2) (d), 895.52, 895.523 (1) (c) 1. b., and 895.525 (2).

I took out s. 23.335 (18) in the previous draft because s. 895.52 already covers motorcycling.

Because this bill could become law after January 1, 2014, I have not included a reference to that date in the effective date provision in order to avoid a possible retroactive effective date. Also, because the budget bill repeals and recreates the appropriation schedule in chapter 20 of the statutes, I have included language in the effective date provision to ensure that the appropriations are created after the budget bill becomes law.

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